

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARTIN LUTHER KING, JR.  
COUNTY, *et al.*,

Plaintiffs,

v.

SCOTT TURNER in his official capacity  
as Secretary of the U.S. Department of  
Housing and Urban Development, *et al.*,

Defendants.

No. 2:25-cv-00814-BJR

DECLARATION OF GARDEA  
CAPHART

Pursuant to 28 U.S.C. § 1746(2) I, Gardea Caphart, declare as follows:

1. I am the Deputy Commissioner for Finance and Administration at the New York City Department of Housing Preservation and Development (“NYC HPD”) and have served in this role since March 2023. NYC HPD is a department of the City of New York (“NYC”). I have almost 20 years of experience in various levels of city government, primarily in roles relating to finance or budgeting.

2. I make this declaration in my capacity as Deputy Commissioner for Finance and Administration at NYC HPD based on my personal knowledge and observations, conversations with my staff and other officials of NYC, and NYC HPD’s documents and records.

**Community Development Block Grant (CDBG) in New York City**

3. For the 2025 program year, the City of New York, through the Mayor’s Office of Management and Budget (“NYC OMB”), was awarded approximately \$170 million in Community Development Block Grant (“CDBG”) funding under HUD’s Community Planning and Development Formula Program.

4. NYC HPD’s allocation of the City’s CDBG award for FY 2025, as reflected in the FY 2025 adopted budget, was approximately \$137 million, and the agency’s allocation is

DECLARATION OF GARDEA CAPHART

1 approximately \$138 million in the FY26 adopted budget. The staff that works on these projects  
 2 also receive CDBG-funded fringe benefits. These funds support various programs, including the  
 3 Alternative Enforcement Program and the Emergency Repair Program. These programs improve  
 4 and preserve NYC's housing stock through code enforcement, emergency repairs to some of the  
 5 most distressed housing in NYC, litigation against property owners that allow buildings to fall  
 6 into disrepair, and emergency relocation for tenants in such buildings. NYC HPD also uses  
 7 CDBG funds to support lead-based paint inspections in apartments where children under the age  
 8 of six reside; code inspectors who respond to tenants' complaints about substandard and code-  
 9 noncompliant rental housing; and immediate repairs to hazardous emergency conditions  
 10 identified by NYC housing code inspectors.

11 5. By on or about August 16, 2025, certain Certifications and the Consolidated Plan  
 12 must be submitted to HUD in order to receive the award.

### 13 **Loss of CDBG Would Cause Irreparable Harm**

14 6. Households across the City benefit directly and indirectly from NYC HPD's  
 15 CDBG grant.

16 7. The Alternative Enforcement Program and the Emergency Repair Program  
 17 address the most distressed and hazardous buildings in the City that affect the life, health, and  
 18 safety of New Yorkers.

19 8. Similarly, NYC HPD's litigation efforts have an enormous benefit to the  
 20 community, as legal intervention is sometimes necessary due to an owner's inability or refusal to  
 21 make repairs.

22 9. If any of these CDBG funds were lost, it would impact HPD's work in preserving  
 23 and improving NYC's housing stock, responding to housing quality concerns from the public,  
 24 and proactive efforts to ensure that NYC residents live in safe, code-compliant homes.

### 25 **HOME Investment Partnership (HOME) in New York City**

26 10. For the 2025 program year, the City of New York, through NYC HPD, was  
 27 awarded approximately \$66 million in HOME Investment Partnership ("HOME") funding under

1 HUD's Community Planning and Development Formula Program.

2 11. HOME funds support the down payment assistance program for first-time  
3 homebuyers, the development of supportive housing, and tenant-based rental assistance for low-  
4 income individuals and families.

5 12. By on or about August 16, 2025, certain Certifications and the Consolidated Plan  
6 must be submitted to HUD in order to receive the award.

7 13. **HOME-ARP** – Supplemental to the HOME Formula Grant, NYC HPD has also  
8 been awarded approximately \$270 million of federal funding, through the American Rescue  
9 Plan, to provide homelessness assistance and supportive services to address the continued impact  
10 of the COVID-19 pandemic on the economy, public health, State & local governments,  
11 individuals, and businesses.

#### 12 **Loss of HOME Funding Would Cause Irreparable Harm**

13 14. Supportive housing and tenant-based rental assistance covers several  
14 demographics, including seniors, formerly homeless households, individuals with disabilities,  
15 and the chronically homeless. Any loss of these funds would be devastating to these populations,  
16 increasing housing instability and reduced access to essential services. In addition, any loss to the  
17 first-time home-buyer assistance program will negatively impact the ability to access  
18 homeownership. This could also disproportionately impact populations who may already face  
19 barriers to asset accumulation. With housing and rental costs already a burden on New York City  
20 households, it would undermine the efforts to increase affordable homeownership and an  
21 equitable housing market.

#### 22 **Other HUD Funding**

23 15. In addition to the above-mentioned HUD-funded grants, NYC HPD receives  
24 federal funding for other critical services that benefit New York City residents, including other  
25 HUD-funded programs as well as other federal sources. Such funding includes, but is not limited  
26 to, the following recent allocations (approximate amounts):

27 a. \$695 million under Section 8 (Housing Choice Voucher Program) to

1 provide approximately 44,000 vouchers per month in rental assistance to  
2 eligible low- and moderate-income families;

3 b. \$47 million in CDBG Disaster Recovery funds to support long-term  
4 resilience and recovery efforts following Hurricane Ida; and

5 c. \$1.7 million for the Lead Hazard Reduction Demonstration Grant to assist  
6 owners in reducing lead paint hazards and preventing lead paint poisoning  
7 of the home's occupants (specifically children).

8 16. Even a temporary interruption in NYC HPD's funding (and the uncertainty that  
9 would necessarily result) could threaten the operations of NYC HPD's programs.

10 I declare under penalty of perjury that the foregoing is true and correct.

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12 EXECUTED this 7th day of July, 2025.

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16 Gardea Caphart  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2025, I served a true and correct copy of the foregoing document on the following parties by the method(s) indicated below:

Brian C. Kipnis Annalisa L. Cravens Sarah L. Bishop Rebecca S. Cohen <i>Assistant United States Attorneys</i> Office of the United States Attorney 700 Stewart Street, Suite 5220 Seattle, WA 98101-1271 brian.kipnis@usdoj.gov annalisa.cravens@usdoj.gov sarah.bishop@usdoj.gov rebecca.cohen@usdoj.gov  <i>Attorneys for Defendants</i>	<input checked="" type="checkbox"/> CM/ECF E-service <input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail / Return Receipt Requested <input type="checkbox"/> Hand delivery / Personal service
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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 14<sup>th</sup> day of July, 2025.

/s/ Gabriela DeGregorio

Gabriela DeGregorio  
 Litigation Assistant  
 Pacifica Law Group LLP